

1 TERRY GODDARD
Attorney General
2 Firm State Bar No. 14000
3 MELISSA S. CORNELIUS
Assistant Attorney General
4 State Bar No. 013506
1275 W. Washington CIV/LES
5 Phoenix, Arizona 85007-2997
Telephone: (602) 542-7681
6 Fax: (602) 364-3202
Attorneys for Arizona Medical Board
7

8 **BEFORE THE ARIZONA MEDICAL BOARD**
9

10 In the Matter of:
11 **M. ZAFAR QURESHI, M.D.**
12 Holder of License No. 8269
For the Practice of Allopathic Medicine
13 In the State of Arizona,
14 Respondent.
15

Board Case No. MD-01-0602

**CONSENT AGREEMENT FOR
LETTER OF REPRIMAND AND
PROBATION**

16 **CONSENT AGREEMENT**

17 **RECITALS**

18 In the interest of a prompt and judicious settlement of this case, consistent with the
19 public interest, statutory requirements and responsibilities of the Arizona Medical Board
20 ("Arizona Board"), and pursuant to A.R.S. §§ 32-1401 *et seq.* and 41-1092.07(F)(5), the
21 undersigned party, M. Zafar Qureshi, M.D. ("Respondent"), holder of License No. 8269
22 to practice allopathic medicine in the State of Arizona, and the Board enter into the
23 following Recitals, Findings of Fact, Conclusions of Law and Order ("Consent
24 Agreement") as the final disposition of this matter.
25
26

1 1. Respondent has read and understands this Consent Agreement and has had
2 the opportunity to discuss this Consent Agreement with an attorney or has waived that
3 opportunity. Respondent voluntarily enters into this Consent Agreement for the purpose
4 of avoiding the expense and uncertainty of an administrative hearing.
5

6 2. Respondent understands that he has a right to a public administrative
7 hearing concerning each and every allegation set forth in the above-captioned matter, at
8 which administrative hearing he could present evidence and cross-examine witnesses. By
9 entering into this Consent Agreement, Respondent freely and voluntarily relinquishes all
10 rights to such an administrative hearing, as well as all rights of rehearing, review,
11 reconsideration, appeal, judicial review or any other administrative and/or judicial action,
12 concerning the matters set forth herein. Respondent affirmatively agrees that this
13 Consent Agreement shall be irrevocable.
14

15 3. Respondent agrees that the Board may adopt this Consent Agreement, or
16 any part thereof, pursuant to A.R.S. §§ 32-1401 *et seq.* and 41-1092.07(F)(5).
17

18 4. Respondent understands that this Consent Agreement does not constitute a
19 dismissal or resolution of other matters currently pending before the Board, if any, and
20 does not constitute any waiver, express or implied, of the Board's statutory authority or
21 jurisdiction regarding any other pending or future investigation, action or proceeding.
22

23 5. Respondent acknowledges and agrees that, upon signing this Consent
24 Agreement and returning it to the Board's Executive Director, Respondent may not
25 revoke his acceptance of this Consent Agreement or make any modifications to it,
26 regardless of whether this Consent Agreement has been issued by the Executive Director.

1 Any modification to this original document is ineffective and void unless mutually
2 approved by the parties in writing.

3 6. Respondent understands that this Consent Agreement shall not become
4 effective unless and until adopted by the Board and signed by its Executive Director.
5

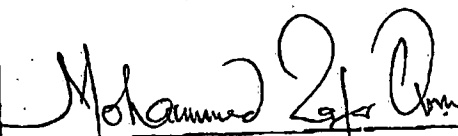
6 7. All admissions made by Respondent are solely for final disposition of this
7 matter and any subsequent related administrative proceedings or civil litigation involving
8 the Board and Respondent. Therefore, said admission by Respondent are not intended or
9 made for any other use, such as in the context of another state or federal government
10 regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona
11 or any other state or federal court.
12

13 8. Respondent understands that this Consent Agreement deals with Board
14 Investigations Case No. **MD-01-0602** involving allegations of unprofessional conduct
15 against Respondent. The investigation into these allegations against Respondent shall be
16 concluded upon the Board's adoption of this Consent Agreement.
17

18 9. Respondent understands and agrees that if the Board does not adopt this
19 Consent Agreement, he will not assert as a defense that the Board's consideration of this
20 Consent Agreement constitutes bias, prejudice, prejudgment or other similar defense.
21

22 10. Respondent understands that this Consent Agreement is a public record that
23 will be publicly disseminated as a formal action of the Board, and shall be reported as
24 required by law to the National Practitioner Data Bank and the Healthcare Integrity and
25 Protection Data Bank.
26

11. Respondent understands that any violations of this Consent Agreement constitutes unprofessional conduct pursuant to A.R.S. § 32-1401(24)(r)(violating a formal order, probation, consent agreement or stipulation issued or entered into by the board or its executive director under the provision of this chapter) and may result in disciplinary action pursuant to A.R.S. § 32-1451.



M. Zafar Qureshi, M.D.
Respondent

DATED: 12/21/05

Approved as to Form:



Stephen W. Myers, Esq.
Counsel for Respondent

DATED: 1/11/06

FINDINGS OF FACT

1. The Arizona Board is the duly constituted authority for licensing and regulating the practice of allopathic medicine in the State of Arizona.
2. Respondent holds License No. 8269 for the practice of allopathic medicine in the state of Arizona.
3. On or about July 2, 2001, Carondelet Health Network notified the Board that it had revoked Respondent's pain management privileges at Carondelet St. Mary's Hospital as a result of "concerns regarding care deemed to be detrimental to patient safety and/or to the delivery of quality patient care." In response to this notification, the Board initiated investigation MD-01-0602 which established the facts and circumstances as described below. Evidence the Board gathered during its investigation revealed that on



1 or about July 7, 2000, Respondent performed the following procedures at Carondelet
2 Health Network, Tucson, Arizona, ("Carondelet Health Network,") on sixty-five (65)
3 year old female patient, L.C., for the stated purpose of pain relief for her right knee, foot
4 and leg; (i) Lumbar sympathetic block on the right side; (ii) Right sciatic nerve block;
5 and (iii) Posterior tibial nerve block in the thigh. During the procedure, Respondent
6 injected Patient L.C. with prescription-only Fentanyl.

7 4. On or about October 25, 2000, at Carondelet Health Network, Respondent
8 performed the following procedures on L.C. for the stated purpose of pain relief: (i)
9 Sciatic nerve block; (ii) Posterior tibial nerve block; (iii) Peroneal nerve block; and (iv)
10 Trigger in the foot. During these procedures, Respondent injected Patient L.C. with the
11 following prescription only drugs; Marcaine, Epinephrine, Depo-Medrol and Toradol.

12 5. On or about November 8, 2000, at Carondelet Health Network, Respondent
13 performed the following procedures on Patient L.C. for the stated purpose of pain relief;
14 (i) Sciatic nerve block in the thigh; (ii) Posterior and peroneal nerve blocks in the right
15 calf; and (iii) Interdigital nerve injection between the first and the second toe and the
16 fourth and fifth toe. Although Respondent's post-operative report indicates he injected
17 Patient L.C. with "solution(s)," he fails to state the name(s) of the solution(s).

18 6. On or about August 27, 2002, Respondent and his counsel, Mr. Stephen
19 Myers, Esq., participated in an investigational interview regarding these matters at the
20 Board's office in Scottsdale, Arizona ("Investigational Interview.")

21 7. During the interview, Respondent admitted that prior to each of these stated
22 procedures, he failed to conduct an appropriate or thorough examination of Patient L.C.
23 (Investigational Interview Transcript, pages 14, 15, 19) and that while performing these
24 procedures, Respondent performed a nerve block on the incorrect side of Patient L.C.
25 (Investigational Interview Transcript, page 5.)

26

1 8. The standard of care requires that prior to treating a patient with injections
2 of pain-reducing prescription medications, a physician shall conduct a thorough physical
3 examination of each area that he plans to inject with such medications.

4 9. Respondent fell below the standard of care when he failed to conduct a
5 thorough physical examination of each area prior to injecting L.C. with prescription only
6 medications.

7 10. The standard of care requires that prior to performing the intended
8 procedure the physician shall verify that he is performing the procedure on the correct
9 side of the patient.

10 11. Respondent fell below the standard of care when he performed a nerve
11 block on the incorrect side of L.C., to which Respondent admitted during the
12 Investigational Interview (Investigational Interview, page 5.)

13 12. The standard of care requires that injections of pain alleviating prescription
14 medications are used to treat patient maladies, and NOT as a tool to diagnose patient
15 maladies. A thorough patient physical examination should be performed prior to
16 administering pain alleviating prescription medications.

17 13. Respondent fell below the standard of care when he administered pain
18 alleviating injections to L.C., without first conducting a thorough patient physical
19 examination, to which Respondent admitted during the Investigational Interview
20 (Investigational Interview, page 12.)

21 14. The standard of care requires that the physician discuss alternative
22 treatments and therapies with his patient.

23 15. Respondent fell below the standard of care when he failed to discuss the
24 alternative treatments and therapies with L.C., to which Respondent admitted during the
25 Investigational Interview (Investigational Interview, pages 33, 34.)
26

16. The standard of care requires that the physician maintain adequate records on a patient.

17. Respondent fell below the standard of care when he failed to maintain adequate records on L.C., to which he admitted during the Investigational Interview (Investigational Interview, pages 13, 14, 26, 27.) An adequate medical record is "legible medical record" that contains "at a minimum, sufficient information to identify the patient, support the diagnosis, justify the treatment, accurately document the results, indicate advice and cautionary warnings provided to the patient, and provide sufficient information for another practitioner to assume continuity of the patient's care at any point in the course of treatment." See: A.R.S. § 31-1401(2).

18. The Board acknowledges that Respondent voluntarily obtained thirty-three hours of CME in Pain Management Techniques; six hours of CME in Coding; ten hours of CME in Patient Safety and medical error reduction.

19. The Board acknowledges that Respondent voluntarily hired Board approved Office Practice Management Consultant to independently evaluate his medical practice on March 5, 2002, in response to this complaint. Respondent forwarded a copy of the March 5, 2002 evaluation with findings and recommendations to the Board.

CONCLUSIONS OF LAW

1. The Board has jurisdiction over the subject matter and over Respondent pursuant to A.R.S. § 32-1401 *et seq.*

2. The conduct and circumstances described above constitute unprofessional conduct pursuant to A.R.S. § 32-1401(27)(q), (any conduct or practice that is or might be harmful or dangerous to the health of the patient or the public.)

3. The conduct and circumstances described above constitute unprofessional conduct pursuant to A.R.S. § 32-1401(27)(e), (failing or refusing to maintain adequate medical records.)

ORDER

IT IS HEREBY ORDERED THAT:

1. That a Letter of Reprimand is imposed upon **Mohammed Zafar Qureshi, M.D.**, holder of **license number 8269**, for his unprofessional conduct, including the following; (i) Performing a nerve block on the incorrect side of Patient L.C.; (ii) Failing to conduct a thorough physical examination of each area prior to injecting Patient L.C. with prescription only medications; (iii) Failing to discuss alternative treatments and therapies with Patient L.C.; (iv) Failing to maintain adequate records on Patient L.C.; and

2. Respondent shall be placed on **Probation for two (2) years** starting from the effective date of this Order ("Effective Date") with the following terms and conditions:

A. Respondent shall obtain Board staff pre-approved Continuing Medical Education ("CME") in the following area: (i) Twenty (20) hours of Medical Record Keeping.

Respondent may complete ten (10) hours of CME each year of probation and shall provide Board staff with satisfactory proof of his attendance within the two (2) years of the Order's effective date. The CME hours shall be *in addition* to the hours required for the biennial renewal of medical license.

B. Board staff or its agents shall commence quarterly chart reviews of

Respondent's practice within three (3) months of his completion of the ordered CME.

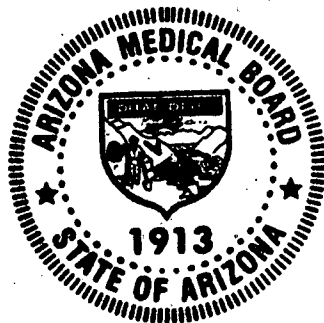
Based upon the results of the quarterly chart reviews, the Board retains jurisdiction to take additional remedial or disciplinary action against Respondent if it determines that he has committed subsequent practice act violations.

1 C. Respondent shall retain a Board approved Office Practice Management
2 Consultant to reevaluate his practice within one year of the effective date of this Order to
3 determine whether he has implemented the previous suggestions and to provide a final
4 report to the Board prior to the termination of Respondent's probation. Respondent shall
5 provide the Office Practice Management Consultant with a copy of this Order. Based
6 upon the results of Respondent's subsequent office practice review, the Board retains
7 jurisdiction to take additional remedial or disciplinary action against Respondent if he has
8 failed to implement the recommendations or if the Board determines that he made
9 subsequent practice act violations.
10

11
12 D. This Consent Agreement and Order constitutes the final disposition of case
13 number MD-01-0602.

14 DATED this 9th day of February, 2006.

15 ARIZONA MEDICAL BOARD



22 By: [Signature]
23 TIMOTHY C. MILLER, J.D.
24 Executive Director

25 ORIGINAL OF THE FOREGOING FILED
26 this 9th day of February, 2006, with:

Arizona Medical Board
9545 East Doubletree Ranch Road
Scottsdale, AZ 85258

1 EXECUTED COPY OF THE FOREGOING
2 MAILED BY CERTIFIED MAIL

3 this 9th day of February, 2005, to:


4 M. Zafar Qureshi, M.D.
5 5930 East Pima Street, Suite 208
6 Tucson, Arizona 85712-4351
7 Respondent

8 EXECUTED COPY OF THE FOREGOING
9 MAILED this 9th day of February, 2006, to:

10 Stephen W. Myers, Esq.
11 Myers & Jenkins, P.C.
12 3003 North Central Avenue, Suite 1900
13 Phoenix, AZ 85012
14 Attorneys for Respondent

15 Melissa Cornelius, Esq.
16 Assistant Attorney General
17 1275 West Washington Street, CIV/LES
18 Phoenix, AZ 85007
19 Attorneys for the State of Arizona

20
21
22
23
24
25
26

13 
14 Doc #448812/LES03-0785